

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

PNC BANK, NATIONAL ASSOCIATION,	§	
	§	
Plaintiff/Counter-Defendant,	§	
	§	
v.	§	1:15-CV-770-RP
	§	
SYLVIA RUIZ,	§	
	§	
Defendant/Counter-Plaintiff.	§	

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Andrew W. Austin concerning Plaintiff PNC Bank, N.A.’s (“PNC Bank”) motion for summary judgment, (Dkt. 71), and Defendant Sylvia Ruiz’s (“Ruiz”) motion for summary judgment, (Dkt. 72). (Order/R. & R., Dkt. 87).¹ In his report and recommendation, Judge Austin recommends that the Court grant PNC Bank’s motion and deny Ruiz’s motion. (*Id.* at 11–12). Ruiz filed objections to the report and recommendation. (Objs., Dkt. 100).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. 28 U.S.C. § 636(b).² Because Ruiz timely objected to the report and recommendation, the Court reviews the report and recommendation de novo. Having done so, the Court overrules Ruiz’s objections and adopts the report and recommendation as its own order.

¹ In accordance with this Court’s Order, (Dkt. 94), Judge Austin’s order on the cross motions for summary judgment is construed as a report and recommendation.

² Although the Court likely does not need to conduct a de novo review of the nondispositive findings and conclusions of Judge Austin’s summary judgment order/report and recommendation, the Court will err on the side of caution and review all of the summary judgment order’s findings and conclusions de novo.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Andrew W. Austin, (Dkt. 87), is **ADOPTED. IT IS ORDERED** that PNC Bank's motion for summary judgment, (Dkt. 71), is **GRANTED** and Ruiz's motion for summary judgment, (Dkt. 72) is **DENIED**.

The Court will enter final judgment by separate order.

SIGNED on June 3, 2022.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE